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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,046	01/13/2000	Antonio Gigola	6557	6489

7590

11/22/2002

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EXAMINER

CHEVALIER, ALICIA ANN

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 11/22/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/482,046

Applicant(s)

GIGOLA, ANTONIO

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002 and 16 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
- 4a) Of the above claim(s) 10-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

RESPONSE TO AMENDMENT

Continued Prosecution Application

1. The request filed on September 16, 2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) is acceptable and a CPA has been established. An action on the CPA follows.

Election/Restrictions

2. Newly submitted claim 12-17 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: original claims were directed to a screening and humidifying panel product and newly submitted claims are directed to the process for manufacturing a screening and humidifying panel, see restriction requirement filed September 26, 2001 of record in paper #4.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 12-17 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Furthermore, claims 10 and 11 remain withdrawn from consideration due to the restriction requirement filed September 26, 2001 of record in paper #4. However, if claim 7 would be found allowable claims 10-17 would be subject to rejoinder as pursuant to the procedures set forth in the Official Gazette notice dated March 26, 1996 (1184 O.G. 86).

WITHDRAWN REJECTIONS

3. The objection to claim 8 of record in paper #7, page 2, paragraph #6 has been withdrawn due to Applicant's amendment in paper #8.
4. The 35 U.S.C. §103 rejections of claims 7-9 over Korsell (4,732,713) in view of Halmberg et al. (3,963,810) of record in paper #7, pages 2-4, paragraphs #7 and 8 has been withdrawn due to Applicant's amendment in paper #8.

NEW REJECTIONS

5. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Claim Rejections - 35 USC § 103

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Munters (3,415,502) in view of Holmberg et al. (3,963,810).

Munters discloses a contact body or exchanger for cooling towers comprising a plurality of layers of sheets bearing against one another (col. 1, lines 12-51). The contact bodies comprise thin layers or sheets which preferably all have folds or corrugations crossing one another in adjacent layers. Preferably the folds are substantially formed following a sine curve or smoothly rounded (non-rectilinear undulated channels) between ridges and depressions (col. 3, lines 54-59). The contact body or exchanger shown in figure 2 has different angles of inclination (being of different mutual alternating inclination) of the corrugations or folds in every second layer (col. 4, lines 3-14). The layers may be glued together at points of contacts by means of a suitable

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bonding agent, such as contact glue (col. 3, lines 63-65). From figure 2 it can be seen that the points of contact are at the channel crests of adjacent sheets in contact with each other at spaced points.

Munters fails to disclose that the filling members are made of cardboard.

Holmberg discloses a contact body for use in cooling towers and heat exchangers comprising sinusoidal-shaped/corrugated contact plates made of metal, plastics, or impregnated cardboard (col. 1, lines 4-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use impregnated cardboard as the material for the filling members in Munters because Holmberg shows that plastics, metals, and impregnated cardboard are equivalent for their use in the art of cooling tower contact bodies and the selection of any of these known equivalents would be within the level of ordinary skill in the art.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munters (3,415,502) in view of Holmberg et al. (3,963,810).

Munters and Holmberg disclose all the limitations of the instant claimed invention except for the different configurations of the channels.

It is well settled that a particular shape of a prior invention carries no patentable weight unless the applicant can demonstrate that the new shape provides significant unforeseen improvements to the invention. See *In re Seid*, 161 F.2d 229, 73 USPQ 431 (CCPA 1947). Also, see *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). In the instant case, the application does not indicate any new, significant attributes of the invention due to its shape, which would have been unforeseen to one of ordinary skill in the art.

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Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to change the shape/configuration of the channels. One skilled in the art would have been motivated to change the shape/configuration of the channels depending on the how many times the user wants to redirect the flow and where the inlet and outlet flows are to be directed. Further evidence of known channel configurations can be seen in patents 3,111,982, 3,216,494, 3,757,857, and 4,732,713.

ANSWERS TO APPLICANT'S ARGUMENTS

8. Applicant's arguments filed in paper #8 regarding the 35 U.S.C. §103 rejections of record have been considered but are moot since the rejections have been withdrawn.

Conclusion

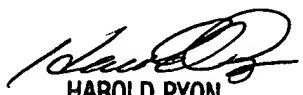
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Harold Pyon can be reached by dialing (703) 308-4251. The fax phone number for the organization official non-final papers is (703) 872-9310. The fax number for after final papers is (703) 872-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac
11/15/02




HAROLD PYON
SUPERVISORY PATENT EXAMINER
11/15/02